

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
Wednesday, September 8, 2021

Virtual & In-Person Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Chair: Sam Tressler, Vice-Chair: Craig Hicks, Secretary: Joel Rensberger, Carole Sepe, Michael Sowell.

Members Absent: Terry Bowie.

Staff Present: Kimberly Golden Brandt, Livable Frederick Director; Tim Goodfellow, Livable Frederick Environmental Principal Planner II; Anne Bradley, Land Preservation Program Administrator; Kathy Mitchell, Sr. Asst. County Attorney; Karen James, Administrative Specialist II.

The meeting was called to order at 10:25 a.m.

1. PLEDGE OF ALLEGIANCE – Sam Tressler

2. ROLL CALL – Sam Tressler

3. ELECTION OF OFFICERS- Sam Tressler

Ms. Sepe made a motion to accept Sam Tressler, Chair; Craig Hicks, Vice Chair, Joel Rensberger, Secretary. Craig Hicks second.

<u>Vote</u>	5-0-1
For:	5 –Tressler, Hicks, Sepe, Sowell, Rensberger
Against:	0
Absent:	1 - Bowie

4. MINUTES TO APPROVE

July 14, 2021 Minutes: Ms. Sepe reference to change in minutes made by Mr. Hicks. Mr. Hicks could not remember the change. Mr. Rensberger stated that he thought was a reference to Mr. Hick's desending vote against a plan and the rational behind that. Ms. Sepe asked that in the future they have more of an explanation.

Motion by Mr. Sowell to approve as presented. Second Ms. Sepe.

<u>Vote</u>	5-0-1
For:	5 –Tressler, Hicks, Sepe, Sowell, Rensberger
Against:	0
Absent:	1 - Bowie

5. PLANNING COMMISSION COMMENTS

Mr. Tressler announced that Crestwood would be moved to the end of the agenda due to the delayed start.

6. AGENCY COMMENTS

Mr. Wilkins, Director of Development Review & Planning introduced Ms. Brandt, Director of Livable Frederick Planning & Design Office to update the Planning Commission on the next meetings. Ms. Brandt noted that first workshop on the draft Sugarloaf Plan will take place on September 15, 2021, with public comment from 2:30 pm to 3:00 pm. The regular October meeting is scheduled for October 13, 2021. A second draft Sugarloaf Plan workshop is scheduled for October 20, 2021.

Mr. Wilkins noted that for the October 20, 2021 meeting agenda will include the Lake Linganore Boulevard Preliminary Plan (no new development); Renn Kirby Newman Park Site Plan; and the Westview (Bechtel) resubdivision of the lot with existing buildings on it.

7. FY-2022 MALPF EASEMENTS APPLICATIONS REVIEW

Ms. Bradley noted the applications were for the annual cycle. Frederick County has surpassed 66,000+ acres to be preserved towards the total of 100,000 acres. Over 50 applications were received for this cycle. (A total of 54) The State has limited Frederick County to 12 applications. Ms. Bradley summarized all 12 applications. Ms. Bradley is asking for a recommendation for a finding of consistency. Ms. Sepe complimented Ms. Bradley on her work.

Ms. Sepe had a question regarding Application #22-17 Flook and #22-23 Grossnickle. She saw a letter from the Town of Middletown but it was not specific. She would not be able to approve without further documentation for clarification that the Towns understand the affect to their growth area.

Mr. Rensberger had a question about #22-23 Grossnickle. Ms. Bradley does not have a specific letter from the Town of Burkittsville. They have noted that they wish for it to stay in preservation as a farm.

Mr. Hicks asked if the County had received any applications adjacent to Montgomery County Agricultural Reserve lands. Mr. Tressler asked if there were any public comments and they were none.

Motion Ms. Sepe that the Planning Commission find FY MALPF applications #22-30, #22-05NG, #22-09, #22-10, #22-16NG, #22-36, #22-38NG, #22-43, #22-46 and #22-48 to be consistent with the County Comprehensive Plan as listed in the staff report presented to the Planning Commission. Mr. Rensberger second.

Vote	5-0-1
For:	5 –Tressler, Hicks, Sepe, Sowell, Rensberger
Against:	0

Absent: 1 - Bowie

Motion Ms. Sepe to postpone application MALPF #22-17 & MALPF #22-23 to next weeks 9/15/21 meeting and have more formal feedback from the municipalities understanding that it affects their growth area. Second Mr. Rensberger.

<u>Vote</u>	<u>5-0-1</u>
For:	5 –Tressler, Hicks, Sepe, Sowell, Rensberger
Against:	0
Absent:	1 - Bowie

8. SPRING 2021 CYCLE – WATER & SEWERAGE PLAN AMENDMENTS

Mr. Goodfellow will be seeking vote for consistency of all summarized amendments with the comprehensive plan.

Case WS-21-12 (Payne Investments, LLC) – reclassification of 82.9 acres from W-3, S-3 to Planned Service (PS) [water and sewer].

Ms. Sepe made a motion to find Case WS-21-12 consistent with the Livable Frederick Master Plan. Second Mr. Rensberger.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 – Bowie

Case WS 21-13)75-80 Properties, LLC – reclassification of 180 acres from W-3, S-3 to Planned Service (PS) [water and sewer].

Mr. Rensberger made a motion to find WS-21-13 consistent with the Livable Master Plan. Second Mr. Sowell.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 – Bowie

Case WS 21-14 (Monrovia Investments, LLC) – reclassification of 64 acres from W-3, S-3 to Planned Service (PS) [water and sewer], and reclassification of 17.2 acres from W-4, S-4 to W-5, S-5.

Mr. Hicks made a motion to find case WS-21-14 consistent with the Livable Master Plan. Second Mr. Sowell.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 – Bowie

Case WS 21-15 (75-80 Properties, LLC) – reclassification of 16 acres from W-3, S-3

to Planned Service (PS) [water and sewer], and reclassification of 15 acres from W-3, S-3 to W-5, S-5.

Ms. Sepe made a motion to find Case WS-21-15 consistent with the Livable Master Plan. Second Mr. Hicks.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 - Bowie

Case WS 21-16 (75-80 Properties, LLC) – reclassification of 36 acres from W-3, S-3 to Planned Service (PS) [water and sewer], and removal of a sewage pump station symbol from the Sewer Infrastructure map.

Mr. Hicks made the motion to find Case WS-21-16 consistent with the Livable Master Plan. Second Mr. Rensberger.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 - Bowie

Case WS 21-17 (Village of Rosemont) – reclassification of 13 properties from W-5 to W-4, and 3 properties from W-1 to W-4.

Mr. Rensberger made a motion to find Case WS-21-17 consistent with the Livable Master Plan. Second Mr. Hicks.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 - Bowie

Case WS 21-18 (Town of Middletown) – reclassification of 93.7 acres from No Planned Service (NPS) to W-3, S-3.

Mr. Hicks made a motion to find Case WS-21-18 consistent with the Livable Master Plan. Second Mr. Sowell.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 - Bowie

Case WS-19 (Oakdale Investments, LLC/Hamptons East) – reclassification of 35 acres from Planned Service (PS) [water and sewer] to W-4, S-4.

Mr. Hicks made a motion to find Case WS-21-19 consistent with the Livable Master Plan. Second Mr. Rensberger.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell

Against: 0
Absent: 1 – Bowie

Case WS 21-21 (Oakdale Investments, LLC/Westridge) – Depiction of a sewage pump station symbol on the Sewer Infrastructure Map.

Mr. Sowell made a motion to find Case WS-21-21 consistent with the Livable Master Plan. Second Ms. Sepe.

Vote 5-0-1
For: 5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against: 0
Absent: 1 – Bowie

Case WS 21-22 (Yeagertown Road) – reclassification of 0.65 acres from W-5 to W-3.

Mr. Rensberger made a motion to find Case WS-21-22 consistent with the Livable Master Plan. Second Mr. Hicks.

Vote 5-0-1
For: 5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against: 0
Absent: 1 – Bowie

Case WS 21-23 (State Highway Administration) – reclassification of 26.8 acres from W-3, S-3 to W-5, S-5.

Mr. Hicks made a motion to find Case WS-21-23 consistent with the Livable Master Plan. Second Mr. Sowell.

Vote 5-0-1
For: 5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against: 0
Absent: 1 – Bowie

Lunch Break – 12:15 p.m. Meeting to resume at 1:15 pm.

Members Present: Chair: Sam Tressler, Vice-Chair: Craig Hicks, Secretary; Joel Rensberger, Carole Sepe, Michael Sowell

Members Absent: Terry Bowie

Staff Members: Mike Wilkins, Director, Development Review & Planning; Jerry Muir, Principal Planner, I; Cody Shaw, Principal Planner I; Ashley Moore, Principal Planner, II; Mark Mishler, Supervisor of Transportation Engineering, Kathy Mitchell, Senior Asst. County Attorney

The meeting was called to order at 1:15 pm.

9. SITE PLAN

- a) *As You Like It Landscaping* - SP14-16 (A/P#SP257672, APFO#AP257671, FRO#263891)

Mr. Muir presented *As You Like It Landscaping*. The Site Plan was originally approved in February 2015 under SP#263889 and was approved with conditions. A summary was given of the new proposed 5,000 sf building and that it meets all requirements. The SWM was approved 2017 and APFO and FRO were approved 2016. Ms. Sepe questioned the sight distances and if they are approved. Mr. Mishler confirmed that they have been checked and are approved. The owner Mr. Jeffrey Aronson and his architect Mr. Lee Miller answered questions. The owner has submitted a modification for parking to keep the sixteen existing parking spaces, Note D will need to be updated to reflect. The required 25' floodplain setback will need to be labeled and the waterbody buffer must be adjusted to include the flooding soils, and FRO mitigation must be provided. No public comments.

Motion Mr. Rensberger that the Planning Commission approve SP14-16, #SP263889 with APFO with conditions. Second Mr. Sowell.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 - Bowie

- b) Lot 96 – Lewistown - SP15-07 (A/P#SP257672, APFO#A257671, FRO#F257673)

Mr. Shaw presented the plan to the Planning Commission for Motion to approve with conditions as listed in the staff report for the proposed project. The applicant is requesting Site Plan approval to establish a "carpentry, electrical, plumbing, welding, printing, and upholstery" use for establishing a glass installation business on a 2.01 acre parcel. The plan meets or will meet all applicable Zoning, AOFI and FRO requirements once the following conditions are met: A Final FRO must be submitted and FRO mitigation must be provided prior to applying for grading permits or building permits, site plan must be amended to show the new FEMA floodplain limits and remove the note about removing the portion of gravel that is within the FEMA boundary. No public comments.

Motion Mr. Sowell for Planning Commission to approve to approve Site Plan #SP257672, APFO #A257671 and FRO #F257673 with conditions as listed in the staff report for the proposed Lot 96 – Lewistown based on the findings, and conclusions of the staff report, testimony, exhibits and documentation presented at the Public Hearing. Second Mr. Hicks.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell

Against: 0
Absent: 1 – Bowie

c) *Center 85 at Westview South – Lot 208 SP98-36 (A/P#SP264049)*

Ms. Moore presented the Site Plan application for approval to construct a one-story 190,000 SF building, consisting of 35,000 SF employment and 155,000 SF warehouse, on a 10.78-acre site. Staff doesn't find the plan consistent with the Planned Development District design criteria. The Applicant has submitted two modifications: lighting modification for light spillage on other properties and a modification to allow a light fixture height of 18 ft. Because it is a corner lot the applicant feels that the lighting would be beneficial to the loading zone and the other properties that surround it for security reasons. A parking justification was also submitted which the Applicant feels the parking is appropriate since the loading is in the back of the building. Discussion regarding setting a precedent for other projects as a result of this exception ensued. Planning Commission agreed that the design fit well on this lot which is a corner lot. Mr. Wilkins summarized some of the codes for the zone regarding lighting and parking. Noel Manalo, applicant's attorney; Chris Smariga, Harris Smariga & Associates; and Brian Morris, applicant presented to the Planning Commission also. No public comment.

Motion Mr. Rensberger for Planning Commission to approve SP98-36 SP246409 with conditions of approval as listed in the staff report page 10 of 18 and the design based on section 1-19.500.9(D). Second Ms. Sepe.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 – Bowie

d) *New Market Self Storage – Phase 3 – SP93-13, SP#S{264030*

Cody Shaw presented the New Market Self Storage Phase 3 plan. The applicant is requesting approval to construct five (5) new self-storage buildings totaling 28,950 SF. Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met. Luke Zeller, Harris, Smariga & Associates presented and answered questions. No public comment.

Motion Ms. Sepe the Planning Commission approve the New Market Self Storage – Phase 3 Site Plan SP93-13, AP#SP264030 with conditions as listed in the staff report based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Second Mr. Sowell.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0

Absent: 1 – Bowie

- e) *Crestwood Combined Preliminary/Final Plat* – S-1171, AP#PL264042, APFO#A264016, FRO#F264020

Ashley Moore presented the Crestwood Manor Combined Preliminary Plan/Site Plan. The Applicant is requesting Combined Preliminary/Final Plat to subdivide a 9.52 acre property into two separate lots. The application is being reviewed under Chapter 1-16 of the County Code (Subdivision Regulations). George Warholic, Dewberry Engineering; Brian and George Lopez answered questions from the Planning Commission. No public comment.

Motion Mr. Rensberger the Planning Commission Approve Combined Preliminary/Final Plat S-1171, AP PL264042 (A264016, F264020, and F264021), including APFO and FRO based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Second Ms. Sepe.

<u>Vote</u>	<u>4-1-1</u>
For:	4 - Tressler, Rensberger, Sepe, Sowell
Against:	1 - Hicks
Absent:	1 – Bowie

- f) *Crestwood Manor Site Development Plan Approval* – SP90-15, AP SP264018

Ashley Moore presented the Crestwood Manor Site Development Plan. The applicant is requesting Site Development Plan approval for the construction of 120 multi-family dwelling units within 3 buildings and 1 existing house (community amenity) on two lots totaling 9.52 acres. The proposed use is being reviewed as "Multifamily Dwelling Development" under the heading of Residential Uses per § 1-19-5.310 of the Zoning Ordinance and is a permitted use subject to Site Development Plan approval. The current two conditions on the project are in regards to the total number of units and the preservation of the existing farm house/residence and smokehouse on the property to be preserved. Building A is higher than noted on the plans and Building B would expand 600 sf. No new units will be added and the parking will not shift closer to the residential development. Would ask changes be accepted by the planning commission or reviewed at a later date at staff level review. Lighting modification requested for spillage. A parking modification requested for five additional parking spaces. APFO previously approved. Plan meets all other conditions as noted in staff report. George Warholic, Dewberry Engineering; Brian and George Lopez answered questions about possible additional landscaping buffering and light trespass. Said they could work with staff on revisions to the plans. Public comments: Caller 1: Doug Dawson, President of Crestwood Village HOA voiced the communities concerns about light spillage, buffering, noise, SWM and traffic. Caller 2: Sally Livingstone voiced concerns about forestation, farm lands and views, noise, SWM and security. Concerned about fit into the area with a development of 55+ residents. Ms. Sepe noted that all of the emails received from residents were read. Staff will work with

developer and residents to improve buffer between communities.

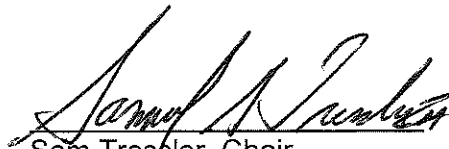
Motion Ms. Sepe the Planning Commission conditionally approve Site Plan SP90-15, AP SP264018, with modifications as listed in the staff report except for item #2 under lighting modification and adding buffering along the boundary at the north and south property lines with a combination of berms, landscaping and fencing for the proposed site plan, and the building A and B as presented by Staff is noted, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Second Mr. Rensberger.

<u>Vote</u>	<u>4-1-1</u>
For:	4 - Tressler, Rensberger, Sepe, Sowell
Against:	1 - Hicks
Absent:	1 - Bowie

Motion to adjourn by Mr. Rensberger, Second by Mr. Sowell.

<u>Vote</u>	<u>5-0-1</u>
For:	5 - Tressler, Hicks, Rensberger, Sepe, Sowell
Against:	0
Absent:	1 - Bowie

Meeting adjourned at 5:13 p.m.


Sam Tressler, Chair

10/28/21
Date